

HAMPTON PLANNING BOARD

Minutes

December 3, 2008 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Robert Viviano, Vice-Chair
Mark Loopley, Clerk
Fran McMahon
Tom Higgins
Keith Lessard
Richard Bateman, Selectman Member
James Steffen, Town Planner
Candice Sicard, Planning Secretary

ABSENT:

I. CALL TO ORDER

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members and leading the Pledge of Allegiance to the flag.

II. ATTENDING TO BE HEARD

III. NEW PUBLIC HEARINGS

08-054 26 Taylor River Estates

Map: 184 Lot: 26

Applicants: Richard & Angelia Drake

Special Permit to Impact Wetlands: Construct an 8' x 16' deck to the back of the residence approximately eight feet off the ground.

Owners of Record: Richard, Angelia & Robert Drake

APPLICANT

The applicants Richard and Angelia Drake detailed their special permit application to construct a deck. It was noted that the Conservation Commission has provided a letter in support of the Board granting the special permit.

PUBLIC

No Comment.

BOARD

No Comment.

MOVED by Mr. Lessard approve the Special Permit to Impact Wetlands with the stipulations listed in the Conservation Commission letter dated 11/27/08 and that the applicant obtains all necessary Federal and State permits.

SECOND by Mr. Bateman

VOTE: 7-0-0 **MOTION PASSED**

08-055 213 Island Path

Map: 285 Lot: 3

Applicant: Pamela Rush

Special Permit to Impact Wetlands: Build 20' x 20' garage attached to the existing house to extend an area out 8' between two sections of the existing house and to

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make renovations within the existing house, not expanding the footprint of the existing house. Reduce impervious surface during renovations by 431 square feet.

BOARD

Mr. Emerick noted that the application would need to be continued due to on going issues with the Conservation Commission.

MOVED by Mr. Lessard to continue the referenced application to January 21, 2009 Planning Board meeting.

SECOND by Mr. Bateman

VOTE: 7-0-0

MOTION PASSED

08-057 98 A & B & 100 Island Path

Map: 281 Lot: 38

Applicant: Martin W. Towle

Condominium Conversion: Convert three (3) existing residential structures on the premises to a three (3) unit residential condominium with no change of use and no physical alterations.

Waiver Requests: Section V.E. Detailed Plans

APPLICANT

Attorney Steve Ells, the applicant Martin Towle and the surveyor Ernest Cote detailed the proposal and history of projects on the same property. They noted that the proposal is to change the form of ownership, not to physically alter the property or change its use. It was noted that there is sufficient onsite parking providing two spaces for each of the three units. There is a designated snow storage area and the trash will be picked up by Town curbside as it currently is today. The units are separately metered for water, gas and electricity. There was discussion on whether or not this property was approved for year-round residence and it was clarified that the applicant is currently speaking with the building inspector to get a final inspection for approval of the full year certificate of occupancy, it was suggested that this could be a condition of approval if needed. Mr. McMahon asked about the sewer locations and its placement. Attorney Ells noted that once condominium documents are drafted they would show the utilities easements. The applicant agreed that all parking shall be onsite.

PUBLIC

Ellen Goethel, Chair of the Conservation Commission detailed her concerns for the parking areas five and six as well as the snow storage area.

BOARD

There was further discussion about the parking spaces, it was suggested there may be a curb stop added, there could be a condition to add curb stops at the 11.3 foot line, which would allow the sliding of three spaces to west, so as to not be closer than 11.3 feet.

MOVED by Mr. Higgins to approve the referenced condominium conversion subject to the conditions listed on the Planner's Memo dated December 3, 2008, adding that spaces 4, 5 & 6 be moved back to the 11.3-foot line and adding curb stops to them. In addition, the applicant shall remove from the plan the snow storage area in the northwest corner and there shall be no expansion of sealed surface on the property

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SECOND by Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

08-058 Between Esker & Winnacunnet Roads

Map: 208 Lot: 50

Applicant: Meadow Pond Farm Corporation

Minor Lot Line Adjustment

APPLICANT

Peter Olney representing the Meadow Pond Farm Corporation and Chris Salter, Verra and Associates noted that they are back to complete plan that was looked at last spring, the proposal is to convey the remainder of the agricultural land to abutting property owners. There was discussion about the piece of land that Meadow Pond Farm Corporation was to retain, and it was noted that this is a swale area. This piece of land was offered to be deeded to the Town at no cost but this has not yet been resolved.

PUBLIC

No Comment.

BOARD

There was discussion about the Planner's Memo. The applicant had no objection to providing copies of the deeds for the town attorney for review.

MOVED by Mr. Higgins to approve the referenced minor lot line adjustment subject to the conditions listed on the Planner's Memo dated 12/03/2008.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

08-059 440 & 446 Winnacunnet Road

Map: 208 & 221 Lots: 50 / 6&7

Applicants: Dell-Steve Realty Trust, Meadow Pond Farm Corporation, Mary Ellen Ring Living Trust

Subdivision & Minor Lot Line Adjustment

Waiver Requests: Detailed Plan V (E)

APPLICANT

Attorney Peter Saari, Cassassa and Ryan and Peter Ross noted that this is step two of what was previously explained in the last application. Attorney Saari explained the plan in detail noting that there are some differences between each set of plans, since there was a different surveyor used there are discrepancies. There was discussion about the need for a corrected plan. The applicant noted that there is seven feet being given to the Ajemian lot and that the driveway will stay and the left lot will give her a seven-foot easement.

PUBLIC

No Comment.

BOARD

There was discussion about the notes section and that the plan was inaccurate.

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MOVED by Mr. Higgins to approve the above referenced minor lot line adjustment subject to the conditions listed on the Planner's Memo dated 12/03/2008. In addition, the applicant shall provide a revised copy of the plan to the Hampton Planning Office noting the easement in the notes and correcting the lot lines in the northwest corner of map 221 lot 7;

SECOND by Mr. Loopley

VOTE: 5-1-1 MOTION PASSED Not in Favor: Mr. Bateman, Abstained: Mr. Lessard

MOVED by Mr. Viviano to approve the waiver request for Detailed Plan V (E)

SECOND by Mr. Loopley

VOTE: 7-0-0 MOTION PASSED

MOVED by Mr. Higgins to approve the above referenced subdivision application subject to the conditions listed on the Planner's Memo dated 12/03/2008. In addition, the applicant shall follow the same conditions as listed for the minor lot line adjustment for the property

SECOND by Mr. Viviano

VOTE: 7-0-0 MOTION PASSED

IV. CONTINUED PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of January 16, 2008 BOARD

Page 1: "It was also noted that the State Reservation would use the materials for dune reconstruction." Changed to "It was also noted that the Salisbury State Reservation would use the materials for dune reconstruction."

Added: "They must begin to meet previous criteria at approval such as no boat storage."

MOVED by Mr. Loopley to approve the minutes as amended.

SECOND by Mr. Higgins

VOTE: 5-0-2 MOTION PASSED Abstained: Mr. Viviano & Mr. Bateman.

VI. CORRESPONDENCE

- There was discussion about a citizen's article for the municipal planning and it was noted that if it gets voted down the consultant would also get voted down. There was discussion about separating the articles; one for funding and one if the money was appropriated then the planning could go forward.

VII. OTHER BUSINESS

- Zoning Amendments

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Adding Atlantic Ocean and Hampton Harbor and their associated tidal waters to the definition of prime tidal wetlands.

Ellen Goethel discussed the articles explaining that there was a study completed with grant money from the state done in conjunction with Hampton Falls that details there are eleven or twelve areas that met criteria for prime wetlands locally. Mr. Higgins noted we are only deciding if the Board needs to go to public hearing with these. Mrs. Goethel clarified the benefits to the Town if this wording was added noting that the State would take a greater interest in enforcement if the areas were to be included as prime wetlands.

Small Wind Energy Systems Ordinance

There was a suggestion to not include the purpose, procedure for review or the violations and penalties (sections 17.1, 17.2, 17.4) in the ordinance. It was noted that all versions were forwarded to the Energy Committee. There was debate about decibels and the sound of windmills. There was discussion about how to present the articles and its formatting. The Board agreed to present a shortened version of the ordinance.

Ann Carnaby noted the OEP provided the model in order for towns to tailor their own energy ordinance. The Building Inspector can only inspect things named in the ordinance, and otherwise cannot issue a permit, but in addition the inspector cannot reasonably limit people from constructing the wind energy system. There was discussion about how to ensure that the descriptions in the ordinance do not inadvertently exclude new technologies.

Flood Hazard Regulation Changes

It was noted that FEMA has made some recommendations to the Town and in order to comply with FEMA regulations. The language can be an attachment to the ballot article. There was question about why it is going on the ballot & if the Town could adopt the current version of the FEMA ordinance. It was noted that if it doesn't pass, it may mean people cannot get flood insurance.

Multi-Family Dwelling Changes

It was noted that the proposal is a change in setback from 40 feet to 7 feet in the Business Seasonal Zone so people could perform renovations or minor additions to their buildings . There was discussion about the intent of the amendment, not the actual numbers for setbacks. There was concern that the lot size should be examined for multi-family dwellings as well.

VIII. ADJOURNMENT

MOVED by Mr. Loopley to adjourn.

SECOND by Mr. Higgins

VOTE: 7-0-0 **MOTION PASSED**

Meeting adjourned at 9:00PM

Respectfully Submitted,
Candice Sicard, Planning Secretary